

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOEY ALGARIN,

Plaintiff,

-against-

WASTE MANAGEMENT SOLUTION  
LLC *and* WASTE MANAGEMENT OF  
NEW YORK, L.L.C.

Defendants.  
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**AMENDED ORDER ADOPTING  
REPORT & RECOMMENDATION**

24-CV-5379 (RER) (TAM)

**RAMÓN E. REYES, JR., District Judge:**

In a report and recommendation dated February 7, 2025 (ECF No. 25 (the “R&R”)), Magistrate Judge Taryn Merkl recommended that the Court deny defendant’s motion to dismiss. (*Id.*). Judge Merkl advised the parties that they had 14 days from the date that R&R was received to file objections. (*Id.*). To date, neither party has filed an objection to the R&R, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2).

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Therefore, it is ordered that the R&R is adopted in its entirety, and the motion to dismiss the claims against Defendant Waste Management Solution LLC is denied without prejudice.

This Order amends the April 1, 2025, Order Adopting Report and Recommendations (ECF No. 28) to strike the direction to the Clerk of Court to enter judgment in favor of plaintiff. Fed. R. Civ. P. 60(a); *Metso Mins., Inc. v. Powerscreen Int. Distribution Ltd.*, 297 F.R.D. 213, 217 (E.D.N.Y.), *aff’d sub nom. Metso Mins. Inc. v. Terex Corp.*, 594 F. App’x 649 (Fed. Cir. 2014).

The Clerk of Court is directed to re-open the case.

SO ORDERED.

/s/ Ramón E. Reyes, Jr.

RAMÓN E. REYES, JR.  
United States District Judge

Dated: April 3, 2025  
Brooklyn, NY